

ARTICLE III. APPLICATION; GENERAL PROVISIONS; EXCEPTIONS AND MODIFICATIONS

Section 3.1 Zoning Affects Every Building and Use; Bona Fide Farms Exempt

No building or land shall hereafter be used and no building or part thereof shall be erected, moved, or altered except in conformity with the regulations herein specified for the district in which it is located, except as hereinafter provided in this Zoning Ordinance. Bona fide farms, with the exception of swine farm operations, are not affected by these regulations, but any use of farm property for non-farm purposes is subject to these regulations. Swine farm operations as defined herein are prohibited within the jurisdiction of this Ordinance.

Section 3.2 Relationship of Buildings to Lot

Every building hereafter erected, moved, or placed shall be located on a lot and in no case shall there be more than one dwelling unit on a residentially zoned lot except as otherwise provided within this Ordinance.

1. Exception: One (1) Temporary Health Care Structure, as defined and regulated by North Carolina General Statute 160A-383.5, may be permitted as a second dwelling on properties zoned for and occupied by a single-family detached home. An initial Zoning Permit will be issued by the Planning Department for said structure. After that, an annual Zoning Permit will be required for renewal. Once the Temporary Health Care Structure is no longer necessary, the property owner will have 60 days to have it removed from the property.

Section 3.3 Street Access

No building, structure, or use of land shall be established on a lot, nor shall any lot be created that does not abut upon a public street as defined herein to which it has legal access for a distance of not less than 35 feet. Provided, the following exceptions shall apply to the access requirement:

1. The access requirement shall not apply to lawfully existing lots of record with a minimum of 35 feet of frontage on a dedicated, but not maintained street.
2. The access requirement shall not apply to developments exempt from the public street access by Article VI.
3. The access requirements shall not apply to lots on approved private streets.

Section 3.4 Lot of Record

Where the owner of a lawfully existing lot of official record in any residential district or the owner's successor in title thereto does not own sufficient contiguous land to enable the owner to conform to the minimum lot size requirements of this Ordinance, such lot may be used as a

residential building site, where permitted, provided, however, that the other requirements of the district are complied with or a variance is obtained from the Board of Adjustment.

Notwithstanding the foregoing, whenever two or more adjoining vacant lots of record are in a single ownership at any time after the adoption of this Ordinance and such lots individually have less area or width than the minimum requirements of the district in which such lots are located, such lots shall be considered as one or more lots which meet the minimum requirements of this Ordinance for the district in which such lots are located.

Section 3.5 **Open Space Requirements**

No part of a yard, court, or other open space provided around any building or structure for the purpose of complying with the provisions of this Ordinance shall be included as a part of a yard or other open space required under this Ordinance for another building or structure. Every part of a required yard shall be open and unobstructed from its lowest level to the sky, except as provided for in this Section. However, certain accessory structures are permitted to be placed in the required yard areas as provided for herein.

Section 3.6 **Reduction of Lot and Yard Areas Prohibited**

No yard or lot existing at the time of passage of this Ordinance shall be reduced in size or area below the minimum requirements set forth in this Ordinance, except as provided for in Sec. 1-5 of the Subdivision Ordinance. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance.

Section 3.7 **Water and Sewer Requirements**

The lot sizes required for the various Districts in this Ordinance were drawn based upon the assumption that adequate water supply and sewage disposal systems are available to each and every lot. The lack of adequate systems for one or both facilities may require larger lot areas or, in some instances, because of Health Department Standards, may not permit development as intended.

Section 3.8 **Height Limitation Exceptions**

The height limitations of this Ordinance shall not apply to public buildings, churches, temples, schools, hospitals, belfries, cupolas, and domes not intended for residential purposes, or to monuments, water towers, observation towers, power transmission towers, flag poles, and similar structures, provided such structures meet the required North Carolina Building Code. Height limitations shall apply to cellular telephone towers and communication towers as regulated herein.

Section 3.9 **Building Setback Exceptions**

Setback distances shall be measured from the property line or street right-of-way line to the nearest portion of any building or structure excluding:

1. unenclosed porches, attached carports, balconies, fire places, or decks which do not project into any required yard more than 3 feet; and
2. chimneys, flues, coves, roof overhangs, window sills, and bay windows which do not project into any required yard more than 3 feet; and
3. patios, drives, and walkways, if no portion of the same extends more than 12 inches off the ground; and
4. any structure that is a mere appendage to a building such as a flagpole or fountain.

Section 3.10 **Double Frontage (Through) Lots**

In all Zoning Districts, Double Frontage (Through) Lots shall provide the minimum yard requirements for front yards along both street fronts. The minimum yard requirements for these type lots shall pertain to both primary and accessory structures.

Section 3.11 **Visibility at Intersections**

On a corner lot in any district no planting, structure, sign, fence, wall, or obstruction to vision more than 3 feet in height measured from the centerline of the street shall be placed or maintained within the triangular area formed by the intersecting street centerlines and a straight line connecting points on said street centerlines, each of which is 20 feet distance from the point of intersection.

Section 3.12 **Temporary Buildings**

Temporary buildings, including mobile structures, incidental to a construction project may be permitted to be used concurrent with the permit for permanent building(s) construction. Such temporary buildings shall be permitted and utilized as expressed in Article VI SR 5(2). Temporary buildings shall be located at least 25 feet from any property used for residential purposes.

Section 3.13 **- Reserved -**

Section 3.14 **Entrances/Exits to Public Streets**

Entrances and exits to public streets shall be placed and constructed in accordance with the "Policy on Street and Driveway Access to North Carolina Highways" adopted by the North Carolina Department of Transportation (NCDOT), as amended. No portion of any entrance driveway leading from a public street shall be closer than 20 feet to the corner of any intersection measured from the right-of-way line. The width of any entrance driveway leading from the public street shall not exceed 30 feet at its intersection with curb or street line. No two driveways on a single lot leading from a public street shall be within 20 feet of each other measured along the right-of-way.

Section 3.15

Projections into Front Yards in Commercial and Industrial Districts

In commercial and industrial districts, open, unenclosed gasoline pump canopies, gasoline filling, and related equipment and similar facilities may project into one-half (½) the front yard setback requirement for the district.

Section 3.16

Lighting

Plans for street and outdoor lighting shall be required for all new development proposals. It shall specifically show the location of all proposed street and outdoor lighting fixtures to be constructed on any development.

1. Street Lighting: The following restrictions apply to street lighting in all zoning districts:
 - a. All new developments with public streets require decorative fixtures. An outdoor lighting plan designed by Duke Energy shall be included as part of a TRC submittal. If a TRC review is not required, the outdoor lighting plan shall be reviewed by Planning staff.
 - b. Street lights must be built according to construction standards found in the *City of Archdale Construction and Development Guidelines*.
2. Outdoor Lighting: The following restrictions apply to outdoor lighting in all zoning districts:
 - a. For non-residential uses, outdoor lighting shall be located, screened, or shielded so that the abutting lots located in any residential district are not directly illuminated.
 - b. For residential uses, lighting fixtures must be located, screened, or shielded in order to prevent direct glare onto neighboring lots.
 - c. All outdoor lighting shall be located, screened, or shielded in a manner as not to cause glare or impair the vision of motorists or to illuminate a neighboring residential lot.

Section 3.17

Outdoor Storage and Display

Outdoor storage and/or display of items for sale or advertising purposes shall be prohibited in OI Districts. In the HB, B-1, B-2, M-1, and M-2 Districts, outdoor storage shall be limited to items which are designed and intended for permanent outdoor usage. Such outdoor storage areas shall conform to a minimum of one-half (½) the minimum required front building setback and not block or obstruct required parking spaces. During business hours, outdoor displays involving

non-outdoor items may be permitted in the HB, B-1, B-2, M-1, and M-2 Districts provided that public sidewalks, driveway access, and required parking spaces are not blocked or obstructed.

Section 3.18 **Class C Mobile Homes Prohibited**

After the effective date of this Ordinance, no Class C Mobile Home shall be placed in the jurisdiction of this Ordinance nor shall any Class C Mobile Home that is existing within the jurisdiction of this Ordinance be moved and placed at any other location within the jurisdiction of this Ordinance.

Section 3.19 **Use of Mobile Homes and Other Vehicles for Storage Prohibited**

The use of mobile homes, truck trailers, travel trailers, or other vehicles for storage purposes shall be expressly prohibited in all zoning districts.

Section 3.20 **Minimum Regulations**

Regulations set forth by this Ordinance shall be minimum regulations. If the requirements set forth in this Ordinance are at variance with the requirements of any other lawfully adopted rules, regulations, or ordinance, the more restrictive or higher standards shall govern.

Section 3.21 **Fees**

Applicants for permits and other procedures as provided for by this Ordinance may be required to pay such fees as may be established by the City Council in the Schedule of Fees and Charges.

Section 3.22 **Sidewalk and Greenway Requirements**

Sidewalks and Greenways connecting residences, schools, and recreational areas are required. A network of sidewalks and greenways must be installed in all new developments following the designated circulation system shown on the Pedestrian Network Plan. Sidewalks and Greenways must be built according to construction standards found in Sections 1.6 and 1.7 of the City of Archdale Subdivision Ordinance, as well as the *City of Archdale Construction and Development Guidelines*.